

BEFORE THE
TENNESSEE STATE BOARD OF EQUALIZATION

In Re:

Leon Tunstall
Map 006-00-0, Parcel 23
Residential Property
Tax year 2005

)
)
)
)

Davidson County

INITIAL DECISION AND ORDER

Statement of the Case

The Metropolitan Board of Equalization (“county board”) has valued the subject property for tax purposes as follows:

LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE	ASSESSMENT
\$64,300	\$17,800	\$82,100	\$20,525

On September 28, 2005, the State Board of Equalization (“State Board”) received an appeal by the property owner.

The undersigned administrative judge conducted a hearing of this matter on May 17, 2006 in Nashville. In attendance at the hearing were the appellant, Leon Tunstall, and Davidson County Property Assessor’s representative Jason Poling.

Findings of Fact and Conclusions of Law

The 14.7-acre, irregular-shaped parcel in question is located at 2428 Baker Road in Goodlettsville. Situated on one side of the creek that runs through this land are two attached mobile homes in which the appellant resides. The 0.7-acre home site lies in a floodplain. Most of the acreage on the other side of the creek consists of rough, steep terrain.

Solely in dispute, as explained in an attachment to the appeal form, is the land value generated by the Assessor’s computer-assisted mass appraisal system. On the official property record card, three of the 14.7 acres are described as “prime” acreage and appraised at \$38,600 (\$12,870 per acre), with the rest of the tract called \$2,200-per-acre woodland. The appellant declared in his sworn written statement that he had “no problem” with appraising 1.2 acres of his land (the 0.7-acre home site plus a relatively level half-acre across the creek) at \$15,000 per acre. But the remaining area, he maintained, should be appraised at the lower \$2,200 rate – yielding a reduced value of \$65,500 for property as a whole.

But in a post-hearing response to the comparative sales information submitted by the Assessor’s representative, Mr. Tunstall requested an ever lower value of \$57,350. He derived that figure as follows:

- 0.7 acre @ \$12,500 per acre = \$8,750
- 14.0 acres @ \$2,200 per acre = \$30,800
- improvement value = \$17,800

Tenn. Code Ann. section 67-5-601(a) provides (in relevant part) that “[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values....”

Since the taxpayer seeks to change the present valuation of the subject property, he has the burden of proof in this administrative proceeding. State Board Rule 0600-1-.11(1).

After reviewing the entire record, the administrative judge concludes that the subject property should be valued at the amount stated on the appeal form (\$65,500). Ironically, had Mr. Poling introduced no evidence whatsoever on the Assessor’s behalf, the administrative judge would not likely have recommended *any* adjustment of the current appraisal. That is because the appellant’s original estimate of value was mainly predicated on a rearrangement of entries on the property record card – not on his own market analysis or other independent research.

Yet, after the hearing, Mr. Tunstall personally inspected all of the Assessor’s comparables; and his detailed descriptions and photographs of those properties seem to indicate that were distinctly superior to the subject land in overall utility. Hence the appellant’s tract – which is also larger than any of the selected comparables – would probably have sold on the January 1, 2005 reappraisal date for an amount even farther below the range of the *unadjusted* comparable sale prices (\$4,553-\$6,718/acre) than the amount determined by the county board. In the opinion of the administrative judge, the sale price would more likely have been \$47,700 than \$39,550 (the appellant’s revised estimated land value) or \$64,300 (the present land value).

Order

It is, therefore, ORDERED that the following values be adopted for tax year 2005:

LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE	ASSESSMENT
\$47,700	\$17,800	\$65,500	\$16,375

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal “**must be filed within thirty (30) days from the date the initial decision is sent.**” Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal “**identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order**”; or

2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 9th day of June, 2006.

PETE LOESCH
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

cc: Leon Tunstall
Jo Ann North, Davidson County Assessor of Property

TUNSTALL.DOC